



## Faculty Senate

The Faculty Senate will meet on Friday, December 7, 2018, at 2:10pm  
in the State Room (1957 E Street NW).

### AGENDA

1. Call to order
2. Approval of the minutes of the meeting held on November 9, 2018
3. REPORT: Dennis Gephardt (Vice President, Moody's)
4. REPORT: Annual Fiscal Planning & University Budget Report (Joe Cordes, Chair, Senate Fiscal Planning & Budgeting Committee)
5. RESOLUTION 19/1: To Amend the University's Policy on Prohibited Relationships with Students (Jeff Gutman, Chair, Professional Ethics & Academic Freedom Committee)
6. RESOLUTION 19/2: To Amend the *Faculty Code* (Jeff Gutman, Chair, Professional Ethics & Academic Freedom Committee)
7. Introduction of Resolutions
8. GENERAL BUSINESS
  - a) Nominations for election of new members to Senate standing committees
    - i) Professional Ethics & Academic Freedom: Melani McAlister (CCAS)
  - b) Reports of Standing Committees
  - c) Report of the Executive Committee: Professor Sylvia Marotta-Walters, Chair
  - d) Provost's Remarks
  - e) Chair's Remarks
9. Brief Statements and Questions
10. Adjournment

**Elizabeth A. Amundson**  
**Secretary**

**A RESOLUTION TO AMEND THE UNIVERSITY'S  
POLICY ON PROHIBITED RELATIONSHIPS WITH STUDENTS (19/1)**

**WHEREAS,** During the 2017-18 academic year, the Professional Ethics and Academic Freedom (“PEAF”) Committee was tasked with studying the University’s then-existing policy regarding relationships between faculty and students; and

**WHEREAS,** The PEAF developed an options paper for the Provost after studying and evaluating policies of other universities; and

**WHEREAS,** The Provost consulted with an outside consultant and others to develop a policy on Prohibited Relationships with Students and, at the conclusion of the academic year, issued such a policy with the understanding that the PEAF Committee would review it and, if appropriate, recommend amendments to it; and

**WHEREAS,** The PEAF has done so and recommends the amendments indicated in the redlined version of the Policy, attached;

**NOW, THEREFORE,**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY**

That the attached Policy on Prohibited Relationships with Students be adopted and replace the existing Policy.



## POLICY ON PROHIBITED RELATIONSHIPS WITH STUDENTS

### Policy Statement

The George Washington University is committed to maintaining a safe, positive, and respectful environment in which students, faculty and staff study, learn and work without concern that potentially exploitative or coercive sexual or amorous relationships may damage the associations essential to our educational mission, create real or perceived conflicts of interest, or jeopardize the fair treatment of members of our community.

The pedagogical, coaching, mentoring and advising relationships among faculty, administrators and students are central to the mission and purpose of the university. Faculty members, administrators, coaches and certain other staff have important, multifaceted and influential roles with students. They serve as intellectual guides, role models, supervisors, mentors, educators and advisors for our students. Because the integrity of these relationships must be maintained and fostered for the benefit of the participants and third persons, the university expects these individuals to conduct themselves in a manner that does not potentially interfere with those relationships.

The relationships identified in this policy involve individuals occupying positions of asymmetrical power and authority. That asymmetry creates a risk of exploitative or coercive sexual or amorous relationships that compromise the integrity of the educational process. The existence of a relationship in this context, even when consensual, may also create the perception of favoritism or preferential treatment that damages the integrity of the supervision and evaluation provided and may harm third parties. These relationships may also raise concerns that the person in authority has violated standards of professional conduct, created a potential for conflicts of interest or bias, undermined respectful and productive educational and supervisory affiliations, and may lead to actual or perceived sexual harassment, discrimination and other behavior harmful to members of our community.

Therefore, this policy prohibits, with few exceptions as identified in this policy:

All sexual or amorous relationships between undergraduate students at the university and teachers and staff as defined in this policy.

All sexual or amorous relationships between graduate students at the university and teachers and staff as defined in this policy, who have or may have in the future an instructional, evaluative or

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supervisory responsibility over the graduate student while the graduate student is enrolled at the university.

At the same time, the university recognizes that individuals otherwise covered by this policy may have pre-existing relationships. In such cases, the policy instructs the persons in the relationship with greater power or authority within the university to disclose the relationship to the dean or highest authority in their school or division, who will take reasonable and appropriate steps to remediate the potential conflict of interest, as approved by the Provost or designee, and in consultation with other university staff as appropriate.

Members of the university community with questions or concerns about this policy and their obligations to follow it are encouraged to discuss the issues with staff in the Office of the Vice Provost for Diversity, Equity, and Community Engagement.

## Policy

- For purposes of this policy, a “teacher” is someone who teaches, educates, supervises or evaluates students, including, but not limited to regular, part-time, specialized or visiting faculty. It includes faculty who may not be teaching during a particular semester or academic year but who serve as an academic administrator, as well as faculty who are on sabbatical or on an other form of leave. It also includes graders, and graduate assistants who teach, supervise or evaluate students.
- For purposes of this policy, “staff” includes university employees, administrators, contractors, volunteers and others who coach, mentor, counsel, advise, employ, supervise, manage or evaluate students for or on behalf of the university. For purposes of this policy, “staff” does not include undergraduates, whose affiliations with the university are, primarily as students.
- For purposes of this policy, “amorous” means showing, expressing or relating to sexual interest or intimacy or physical relations, irrespective of whether such conduct is welcome.
- For purposes of this policy, an “undergraduate student” is someone who has not previously earned an undergraduate degree. Students who are pursuing a second or later degree are considered graduate students for purposes of this policy. Students with unclear registration status or a registration status other than as a graduate or undergraduate student, and graduate students who are members of a university athletics team based on NCAA eligibility rules, are considered undergraduates for purposes of this policy.
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## Article I Prohibited Relationships With Undergraduate Students

No teacher (except for graders and graduate assistants, as provided below), or staff member may have a sexual or amorous relationship with any undergraduate student at the university. No grader or graduate assistant may have a sexual or amorous relationship with any undergraduate student at the university who is enrolled in a course in the department in which the grader or graduate

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No teacher, or staff member may teach, evaluate, coach, mentor, counsel, advise, employ, recommend (or serve as a reference for), supervise or manage an undergraduate student with whom they have previously had a sexual or amorous relationship.

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## Article II Prohibited Relationships With Graduate Students

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No teacher, or staff member may have a sexual or amorous relationship with a graduate student in their department, program or school as a whole in the case of a nondepartmentalized school. Further, no teacher, or staff member may have a sexual or amorous relationship with a graduate student 1) over whom they have, or likely will have a future instructional, evaluative, supervisory or managerial relationship while the graduate student is enrolled at the university, or 2) for whom they, are likely to, be called upon to formally or informally provide a recommendation (or serve as a reference) for future employment or fellowship, research or other educational positions.

No teacher, or staff member may teach, evaluate, coach, mentor, counsel, advise, employ, recommend (or serve as a reference for), supervise or manage a graduate student with whom they have or previously had a sexual or amorous relationship.

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## Article III Pre-Existing Relationships

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If, there is a pre-existing sexual or amorous relationship that pre-dates one or both parties' affiliation with the university that would be prohibited under this policy, the person in the position of greater authority within the university shall immediately, inform their dean or highest authority in their school or division<sup>1</sup> of the relationship. The dean or highest authority will, as approved by the Provost or designee, and in consultation with other university staff as appropriate, promptly implement a recusal from the institutional relationship in a manner that results in the least harm to the student, monitor the recusal and appropriate future recusals, and implement additional appropriate remedial measures to minimize the conflict of interest or appearance thereof. These efforts shall be documented and centrally maintained by the Office of the Vice Provost for Faculty Affairs.

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## Article IV Violations

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Violation of Article I or II of this Policy by the person in the position of greater authority and/or the failure to inform the dean or highest authority in the school or division in a timely fashion as required in Article III may subject the violator to disciplinary and/or corrective action. The university may take interim steps to manage or address the violation prior to taking disciplinary

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<sup>1</sup> If the person in the position of greater authority is the dean of a school, then the dean will inform the Provost. If the person in the position of greater authority is the Provost, the Provost will inform the President. If the person in the position of greater authority is the President, the President will inform the Chair of the Board of Trustees.

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action, including but not limited to recusal of the person in the position of greater authority. The disciplinary and/or corrective action will depend on the circumstances of the violation, including but not limited to whether the person in the position of greater authority promptly reported the relationship prohibited under this policy; and may include additional training, counseling, a written warning, suspension (including suspension of relevant responsibilities such as teaching or advising), or termination of employment.

Nothing in this policy prohibits a member of the university community from bringing a complaint under the university Sexual and Gender-Based Harassment and Interpersonal Violence Policy if, for example, the individual believes that the sexual or amorous relationship was not welcome or consensual. Further, in cases where there is a finding under the Sexual and Gender-Based Harassment and Interpersonal Violence Policy that a relationship was welcome or consensual, an investigation and appropriate action may still be taken for violations of this policy.

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## Article V

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### Questions & Consultations

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Individuals who are or may be parties to a sexual or amorous relationship that may be prohibited here and who have questions about this policy or wish to consult with university personnel are encouraged to contact the Office of the Vice Provost for Diversity, Equity, and Community Engagement.

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### Contacts

Contact	Telephone	Email
Vice Provost for Diversity, Equity, And Community Engagement  <i>Rice Hall, Suite 813 2121 I Street, NW Washington, D.C. 20052</i>	202-994-7297	<a href="mailto:diverse@gwu.edu">diverse@gwu.edu</a>

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### Document History

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**Last Reviewed Date:** August 1, 2018

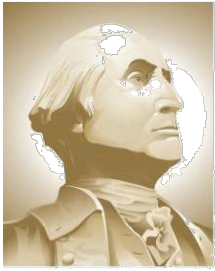
**Last Revised Date:** July 1, 2018

**Policy Origination Date:** July 1, 2018

*This policy, as well as all [university policies](#), are located on the [Office of Compliance's home page](#).*

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**THE GEORGE  
WASHINGTON  
UNIVERSITY**  
WASHINGTON, DC

**Responsible University Official:**

Vice Provost for Diversity, Equity, and  
Community Engagement

**Responsible Office:**

Office for Diversity, Equity, and Community  
Engagement

## **POLICY ON PROHIBITED RELATIONSHIPS WITH STUDENTS**

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### **Policy Statement**

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supervisory responsibility over the graduate student while the graduate student is enrolled at the university.

At the same time, the university recognizes that individuals otherwise covered by this policy may have pre-existing relationships. In such cases, the policy instructs the persons in the relationship with greater power or authority within the university to: disclose the relationship to the dean or highest authority in their school or division, who will take reasonable and appropriate steps to remediate the potential conflict of interest, as approved by the Provost or designee, and in consultation with other university staff as appropriate.

Members of the university community with questions or concerns about this policy and their obligations to follow it are encouraged to discuss the issues with staff in the Office of the Vice Provost for Diversity, Equity, and Community Engagement.

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## **Article I Prohibited Relationships With Undergraduate Students**

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No teacher or staff member may teach, evaluate, coach, mentor, counsel, advise, employ, recommend (or serve as a reference for), supervise or manage an undergraduate student with whom they have previously had a sexual or amorous relationship.

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## **Article II Prohibited Relationships With Graduate Students**

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No teacher or staff member may have a sexual or amorous relationship with a graduate student in their department, program or school as a whole in the case of a nondepartmentalized school. Further, no teacher, or staff member may have a sexual or amorous relationship with a graduate student 1) over whom they have or likely will have a future instructional, evaluative, supervisory or managerial relationship while the graduate student is enrolled at the university, or 2) for whom they are likely to be called upon to formally or informally provide a recommendation (or serve as a reference) for future employment or fellowship, research or other educational positions.

No teacher or staff member may teach, evaluate, coach, mentor, counsel, advise, employ, recommend (or serve as a reference for), supervise or manage a graduate student with whom they have or previously had a sexual or amorous relationship.

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## **Article III Pre-Existing Relationships**

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If there is a pre-existing sexual or amorous relationship that pre-dates one or both parties' affiliation with the university that would be prohibited under this policy, the person in the position of greater authority within the university shall immediately inform their dean or highest authority in their school or division<sup>1</sup> of the relationship. The dean or highest authority will, as approved by the Provost or designee, and in consultation with other university staff as appropriate, promptly implement a recusal from the institutional relationship in a manner that results in the least harm to the student, monitor the recusal and appropriate future recusals, and implement additional appropriate remedial measures to minimize the conflict of interest or appearance thereof. These efforts shall be documented and centrally maintained by the Office of the Vice Provost for Faculty Affairs.

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## **Article IV Violations**

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Violation of Article I or II of this Policy by the person in the position of greater authority and/or the failure to inform the dean or highest authority in the school or division in a timely fashion as required in Article III may subject the violator to disciplinary and/or corrective action. The university may take interim steps to manage or address the violation prior to taking disciplinary

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<sup>1</sup> If the person in the position of greater authority is the dean of a school, then the dean will inform the Provost. If the person in the position of greater authority is the Provost, the Provost will inform the President. If the person in the position of greater authority is the President, the President will inform the Chair of the Board of Trustees.

action, including but not limited to recusal of the person in the position of greater authority. The disciplinary and/or corrective action will depend on the circumstances of the violation, including but not limited to whether the person in the position of greater authority promptly reported the relationship prohibited under this policy; and may include additional training, counseling, a written warning, suspension (including suspension of relevant responsibilities such as teaching or advising), or termination of employment.

Nothing in this policy prohibits a member of the university community from bringing a complaint under the university Sexual and Gender-Based Harassment and Interpersonal Violence Policy if, for example, the individual believes that the sexual or amorous relationship was not welcome or consensual. Further, in cases where there is a finding under the Sexual and Gender-Based Harassment and Interpersonal Violence Policy that a relationship was welcome or consensual, an investigation and appropriate action may still be taken for violations of this policy.

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## Article V Questions & Consultations

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Individuals who are or may be parties to a sexual or amorous relationship that may be prohibited here and who have questions about this policy or wish to consult with university personnel are encouraged to contact the Office of the Vice Provost for Diversity, Equity, and Community Engagement.

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### Contacts

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### Document History

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**Last Reviewed Date:** August 1, 2018

**Last Revised Date:** July 1, 2018

**Policy Origination Date:** July 1, 2018

*This policy, as well as all [university policies](#), are located on the [Office of Compliance’s home page](#).*

## **A RESOLUTION TO AMEND THE *FACULTY CODE***

**WHEREAS**, Article III.E of the Code should reflect the reality that the extent to which faculty members should engage in teaching, scholarship and service is governed by the terms of their faculty appointment. Not all faculty members engage in scholarship, teaching and service, and those without scholarship requirements are recognized as engaged in scholarly pursuits when participating in professional societies. All faculty are expected to participate in service to the university.

**WHEREAS**, Article III.F should be revised to include both full-time regular and specialized as the primary responsibilities of both are to the university.

**WHEREAS**, Article IV.A.1.b) should correct the name of the former Medical Center and add some flexibility in the date on which the notifications of changes in rank or of other terms and conditions of service, and of salary, are to be made.

**WHEREAS**, The caption and text of Article IV.A.4.2 should add specialized appointments to non-tenure track appointments for purposes of reappointment.

**WHEREAS**, Article VI.D, which entitles certain faculty to parental childcare, should extend to specialized faculty in addition to regular faculty.

**WHEREAS**, The Heading of Article VIII should be revised to reflect the fact that an annuity is an option within the Retirement Plan, not the Plan itself.

**WHEREAS**, The Code should consistently refer to the Provost by that title only.

**NOW, THEREFORE,**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:**

1. That Article III.E be amended to include the text in italics and to delete the text that is struck out:

Members of the faculty shall *strive for the advancement of knowledge and* ~~strive~~ to grow in professional competence by means of effective teaching, ~~and~~ sound scholarship, *and productive service (including. They shall strive for the advancement of knowledge in their fields by individual research and by participation in the activities of professional societies) in accordance with the terms of their faculty appointment.*

2. That Article III.F be amended to include the text in italics and to delete the text that is struck out:

Regular *and specialized* members of the faculty shall have the primary responsibility of devoting their time, thought, and energy to the service of the university. No such member of the faculty shall accept an outside teaching appointment during the academic year or engage in any other regular activity of a remunerative nature without the approval of the university. Even when officially approved, such employment shall not be permitted to interfere with a faculty member's responsibility to the university.

3. That Article IV.A.1.b) be amended to include the text in italics and to delete the text that is struck out:

Tenured members of the faculty and faculty members (except those appointed in the ~~Medical Center~~ *School of Medicine and Health Sciences, the Milken Institute School of Public Health, and the School of Nursing*) whose appointments do not expire or whose appointments will be renewed shall be notified in writing annually, on ~~or about~~ *May 15 (or within a reasonable time thereafter not to exceed 15 days)*, of changes in rank or of other terms and conditions of service for the next academic year and further shall be notified annually in writing of changes in salary, by ~~no later than~~ *November 1 (or within a reasonable time thereafter not to exceed 15 days)*.

4. That Article IV.A.4.2 be amended to include the text in italics:

**Stated Periods by Rank for Regular Non-Tenure-Track *and Specialized* Appointments**

Faculty members with regular, non-tenure-track *or specialized* appointments at any rank may be reappointed to the same rank or to a higher one as many times as the needs of the university may require.

5. That Article VI.D be amended to include the text in italics:

D. Parental Childcare Leave: A regular *or specialized* member of the faculty shall be entitled to parental childcare leave upon certifying that he or she will provide at least half of the child's care during the leave period, subject to the terms and conditions set forth in this section. Parental childcare leave shall include release from teaching responsibilities and service responsibilities for one semester with full salary and benefits, and such leave shall terminate within twelve months after a minor dependent child is born or adopted or enters the faculty member's home under a foster care arrangement. During such leave, faculty members shall continue providing thesis and dissertation advising to students whom they advised prior to the leave unless adequate alternative arrangements are made. For faculty members engaged in externally funded grant or contract related activities, parental childcare leave shall include release from responsibilities to the University, but shall not include release from responsibilities to the external funding sources unless alternative arrangements are approved by such sources. A regular *or specialized* faculty member is entitled to parental childcare leave for a maximum

of two minor dependent children who are born or adopted or enter the faculty member's home as foster children after the starting date of the faculty member's appointment to the university. Parental childcare leave under other circumstances or for other faculty, including leave with full or partial salary, may be granted at the discretion of the Vice President for Academic Affairs, after consultation with the appropriate department chair (if applicable) and dean.

6. That the Heading of Article VIII be amended to include the text in italics and to delete the text that is struck out:

Article VIII

**Retirement Annuity Plan**

7. That all references to "Vice President for Academic Affairs" should be amended to "Provost" in the Faculty Code and in Procedures for Implementing the Faculty Code.